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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/041,151 | 01/08/2002 | Urs Leo Stadler | A-21983/P1/CGC 2022/CIP/C | 2389 |

324 7590 09/24/2003

CIBA SPECIALTY CHEMICALS CORPORATION
PATENT DEPARTMENT
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TARRYTOWN, NY 10591-9005

EXAMINER

MULCAHY, PETER D

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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1713

DATE MAILED: 09/24/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/041,151

Applicant(s)

STADLER, URS LEO

Examiner

Peter D. Mulcahy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4&6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 21-36 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Prabhu et al., U.S. Patent 5,880,191 taken in view of Needham, U.S. Patent 5,260,381.

The Prabhu patent teaches polymeric molding compositions which have stabilizer systems incorporated therein. The stabilizer system shown in Prabhu contains the phosphites and/or phosphonites as shown at column 7 lines 18+. The instantly claimed amine oxides are shown at column 8 lines 15+. The instantly claimed hindered amine stabilizers are shown at column 9 lines 10+. This patent is very specific as to the preferred molding compositions and teaches that they be used in molding applications. This patent identifies extrusion as a preferable molding application but is silent as to the utilization of the thermoplastic resin composition and the stabilizer system incorporated therein, in rotomolding compositions as claimed.

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The Needham patent shows thermoplastic molding compositions based upon polyethylene and further having incorporated therein stabilizer systems which are similar to those as claimed as well as those shown in Prabhu et al. Needham is specific to rotomolding and the claimed limitations which are directed to the rotomolding process are conventionally incorporated in rotomolding processes as shown within Needham. The Examiner maintains that it would be prima facie obvious to subject the composition of Prabhu to the rotomolding process as shown in Needham given that the compositions are routinely utilized in rotomolding applications and one of ordinary skill in the art would have a reasonable expectation of success when utilizing the thermoplastic compositions in the rotomolding processes as shown in Needham.

Claims 21-36 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Krohnke et al., U.S. Patent 5,883,165.

This patent shows rotomolding processes which incorporate stabilizers as instantly claimed. While it is acknowledged that this patent provides an extensive listing of ingredients, it is well established that it is prima facie obvious to select ingredients from a list and have them function in an expected manner. As such, it would be prima facie obvious for one of ordinary skill in the art to select the claimed stabilizers from

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those as extensively listed throughout Krohnke and utilize them in the rotomolding composition and process as identified in Krohnke.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter D. Mulcahy, whose telephone number is (703) 308-2449. The examiner can normally be reached on Tuesday through Friday from 7:30 A.M. to 6:00 P.M.

The fax telephone number for this group is (703) 872-9306.

Any inquiry of general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-2351.

P. Mulcahy:cdc
September 17, 2003



PETER D. MULCAHY
PRIMARY EXAMINER